

CHILDREN, EDUCATION AND FAMILIES POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 17 November 2022

Present:

Councillor Kira Gabbert (Chairman)
Councillor Jonathan Andrews (Vice-Chairman)
Councillors Felicity Bainbridge, Graeme Casey,
Robert Evans, Ruth McGregor, Alexa Michael,
Thomas Turrell and Rebecca Wiffen

Tommy Velvick, Bromley Youth Council (Part 1 only)

Also Present:

Councillor Kate Lymer, Portfolio Holder for Children, Education and Families

Councillor Jeremy Adams (observing)

35 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Ryan Thomson and Councillor Ruth McGregor attended as his substitute. Apologies for absence were also received from Councillor Sophie Dunbar, Reverend Roger Bristow and Alice Kirby.

Apologies for lateness were received from Councillor Rebecca Wiffen.

36 DECLARATIONS OF INTEREST

There were no additional declarations of interest.

37 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

38 MINUTES OF THE CHILDREN, EDUCATION AND FAMILIES PDS COMMITTEE MEETING HELD ON 4 OCTOBER 2022

With regard to Minute 28d: Proceeding to Procurement: Domestic Abuse Services for Victim Survivors, the Chairman advised that responsibility for Domestic Abuse services had recently returned to the Public Protection and Enforcement Portfolio where it had been historically based, and the Portfolio Holder for Public Protection and Enforcement would have responsibility for

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approving any future contract awards that fell within the thresholds of the Portfolio.

RESOLVED: That the minutes of the meeting held on 4 October 2022 be agreed and signed as a correct record.

**39 MATTERS OUTSTANDING AND WORK PROGRAMME
Report CSD22123**

The report set out progress against outstanding actions from previous meetings and the forward work programme of the Committee.

In considering the work programme, the Chairman proposed a deep dive of Special Educational Needs and Disabilities Transport be undertaken by the Committee at its meeting on 1 February 2023. Another Member suggested that a report on mental health provision for children and young people be considered by the Committee but was advised that this came under the remit of the Health and Wellbeing Board. In response to a question from a Member with regard to Matter Outstanding 18b: Future Use of the Phoenix Centre, the Director of Education advised that Riverside School had now established two classrooms on site for children with complex and multiple needs and that a third classroom was anticipated to open in time for the 2023/24 academic year, subject to statutory consultation.

RESOLVED: That the report be noted.

40 PORTFOLIO HOLDER UPDATE

The Portfolio Holder for Children, Education and Families, Councillor Kate Lymer provided an update to the Committee on her activities.

As Lead Member for Children, Education and Families, the Portfolio Holder represented the Local Authority in a number of settings including a recent meeting with London Councils on the development of a pan-London vehicle to commission much-needed residential placements for children and young people with special educational needs and disabilities. The Local Authority had expressed an interest in participating in the scheme, subject to Group Treasurers undertaking due diligence, and a potential site had been identified in the London Borough of Waltham Forest. Other activities included a visit to St Mark's Church of England Primary School to plant fruit trees funded by the Community Fund, participating in a mock inspection of Children's Services and the relaunch of the Bromley Corporate Parenting Pledge. Looking forward, the Bromley Youth Offending Service would be holding a partnership event on 31 January 2023 and Members were requested to book their places.

RESOLVED: That the update be noted.

**A CHILDREN, EDUCATION AND FAMILIES PORTFOLIO PLAN -
2022/23 Q2 UPDATE
Report CEF22073**

The report presented the Children, Education and Families Portfolio Plan Quarter 2 update for the 2022/23 financial year.

In considering the Portfolio Plan, a Member suggested an Executive Summary be added to future versions. Another Member noted a workstream under Ambition 1 of *Making Bromley Even Better 2021-31* to provide careers advice and offer work experience and apprenticeships to young people together with support in education, training and employment. The Assistant Director: Strategy, Performance and Corporate Transformation advised that work experience and careers advice was offered via a range of settings to support all children and young people to achieve their potential and had helped ensure that the proportion of young people identified as being Not in Education, Employment or Training (NEET) was one of the lowest in London. With regard to foster carers, a Member observed that a union had recently been established and the Head of Service for Permanency confirmed that this had been a subject of discussion in the Fostering Advisory Partnership and between Bromley foster carers. In response to a query from a Member on sexual health matters for young people, the Assistant Director: Strategy, Performance and Corporate Transformation clarified that this came under the remit of the Health and Wellbeing Board, but that additional information would be provided to Members following the meeting.

A Member asked about the proportion of eligible children accessing 2-year-old funded Early Years places and the Head of Schools, Early Years and Adult Education explained that some families chose not to take up Early Years places and the benchmark for this would be circulated following the meeting alongside inspection ratings of Bromley's Early Years settings. A Co-opted Member suggested functionality be introduced to the Bromley Council website that allowed families to search for local schools by postcode and the Director of Education would follow this up and provide an update to the next meeting of the Committee.

RESOLVED: The progress on actions associated with the Children, Education and Families Portfolio Plan be noted.

**41 PRE DECISION SCRUTINY OF DECISIONS FOR THE CHILDREN,
EDUCATION & FAMILIES PORTFOLIO HOLDER**

**A BUDGET MONITORING 2022/23
Report CEF22046**

The report presented the budget monitoring position for the 2022/23 financial year which showed an overspend of £8,305k based on activity to 30 September 2022.

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The Director of Children, Education and Families underlined the cost pressures associated with children and young people presenting with increasing complexity of need which required high-cost services. The Local Authority continued to lobby for additional Government funding where appropriate and it was anticipated that the Government's planned reforms of Special Educational Needs would help manage cost pressures in the medium to long-term. A Member was pleased to note that efficiencies in the area of Special Educational Needs Transport had generated savings which would equate to £640k per annum based on 190 school days if current savings levels were maintained. In response to a question from a Member, the Head of Children, Education and Families Finance advised that the significant increase in reported overspend between Quarters 1 and 2 of the 2022/23 financial year was primarily due to additional management information becoming available which better reflected the Portfolio's financial position. It was anticipated there would be no further large increases to the overspend for the remainder of the 2022/23 financial year, except in relation to increased service demand, particularly for high needs services.

The Chairman queried why the original budget for Fostering, Adoption and Resources for the 2022/23 financial year had been agreed at £18,720k which was significantly less than actual spend on this budget line for 2021/22, and the Head of Children, Education and Families Finance would provide further clarification following the meeting. A Member further noted that action had been taken to raise the level of approval for all requests for children to come into care and for residential placements moving forward and the Director of Children, Education and Families advised that this was not about raising thresholds for care but simply providing a check to ensure children and young people were receiving the right level of support to meet their individual needs.

RESOLVED: That the Portfolio Holder be recommended to:

- 1) Note the latest projected overspend of £8,305,000 forecast on the controllable budget based on information as at September 2022; and,**
- 2) Recommend the Council's Executive agree the release of funds from the Central Contingency and from the Reserves as set out in Section 5 of Report CEF22046.**

**B CONTRACT AWARD VIA EXEMPTION TO COMPETITIVE TENDERING: VIRTUAL REALITY TRAINING FOR CHILDREN'S SOCIAL CARE PRACTITIONERS
Report CEF22079**

The report sought approval to award a contract for the provision of Virtual Reality training and support to Cornerstone Training and Support Limited, via exemption to competitive tendering. The proposed award was for five years, commencing 1 April 2023 at an estimated annual value of £24,705 (whole life value of £183,525 inclusive of cumulative spend).

In response to a question from a Member, the Head of Service: Permanency advised that Virtual Reality training offered an invaluable immersive experience to Children's Social Care practitioners on issues affecting children coming into care. Whilst there were other Virtual Reality providers, Cornerstone Training and Support Limited were the only providers with bespoke content for Children's Social Care practitioners.

RESOLVED: That the Portfolio Holder be recommended to award a five-year contract for the provision of Virtual Reality training and support to Cornerstone Training and Support Limited to commence 1 April 2023 at an estimated annual value of £24,705 (whole life value of £183,525, inclusive of cumulative spend), via an exemption to competitive tendering.

**C DEDICATED SCHOOLS GRANT (DSG) DEFICIT RECOVERY
MANAGEMENT PLAN
Report CEF22076**

The report presented the draft Dedicated Schools Grant Recovery Management Plan which provided analysis of key data, set out actions taken and outlined proposed new actions to address the growing financial pressures within the High Needs Funding Block of the Dedicated Schools Grant.

In presenting the report, the Director of Education underlined that the deficit in Dedicated Schools Grant was primarily caused by the growth of demand within the High Needs block, with the Local Authority continuing to see a rate of increase in Education, Care and Health Plans which was higher than both the national and outer-London average. The draft Dedicated Schools Grant Recovery Management Plan had been developed in consultation with the Department for Education to articulate the Local Authority's proactive response to the deficit; however, it would not bring the Dedicated Schools Grant back into balance due to the forecast demands on the Dedicated Schools Grant continuing to exceed anticipated funding over the next five years.

In response to a question from a Member, the Director of Education confirmed that whilst the Local Authority was now in deficit, it had been one of the final London Boroughs to do this and remained in a stronger financial position than many other local authorities that were subject to safety valve support and monitoring. Additionally, a Financial Disregard was in place which meant that the deficit did not have to be counted within the Local Authority's reserves, although the Local Authority had taken a prudent approach and had sufficient reserves at the moment to account for it if legislation changed. Going forward, a key area of focus would be reducing unnecessary requests for statutory assessment by ensuring that schools and other partners were well-placed to provide high quality early intervention services, including speech therapy. It was not planned to put any cap on the number of Education, Care and Health Plans agreed but simply to ensure that children received the

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appropriate level of support to meet their individual needs. A Member commented on the complexities of identifying whether children with special educational needs and disabilities should be placed in mainstream or specialist provision and the Director of Children, Education and Families advised that the priority was to place children in the education environment in which they could thrive. Work to review the SEN estate was underway and this would include identifying mainstream schools with the potential to host additional specialist units to meet future need. The Local Authority was also working with the Department for Education to establish a Special Free School within the Borough with a feasibility study currently being undertaken.

In response to a question from a Member, the Head of Children, Education and Families Finance advised that the savings proposed in the area of Demand Management were already built into the medium-term financial strategy. The Dedicated Schools Grant Recovery Management Plan was a live document and work would be ongoing both by the Local Authority and in discussions with the Department for Education to manage the deficit. The Chairman requested that commentaries be added to future reports to include details of discussions held with the Department for Education. A Member further proposed that the recommendation of the report be amended to note rather than endorse the draft DSG Deficit Recovery Management Plan and to monitor progress in addressing the deficit, including guidance from the Department for Education and this was supported by the Committee.

RESOLVED: That the Portfolio Holder be recommended to note the draft DSG Deficit Recovery Management Plan and to monitor progress in addressing the deficit, including guidance from the Department for Education.

D BROMLEY YOUTH JUSTICE SERVICE UPDATE Report CEF22070

The report provided an update on the work of the Bromley Youth Justice Service since April 2022, including performance and work to address offending.

The Head of Youth Justice and Youth Services confirmed that the Local Authority was working with the London Boroughs of Croydon and Sutton and the Metropolitan Police to develop the *Engage* intervention project in which youth workers would be based within the custody suite to provide an outreach youth support programme for children and young people who had been arrested. Another intervention programme, *Your Choice*, was also being piloted and was a London-wide 3-year programme designed to address a gap in provision by using cognitive behavioural techniques to support children affected by extra familial harm and violence. In response to a question from a Member, the Head of Youth Justice and Youth Services advised that children and young people found with drugs in their possession were referred for support to the Substance Misuse Service. Only a very small number of Bromley children and young people had been identified as being involved in

County Lines or possessing drugs with intent to supply and the Youth Justice Service worked closely with the Police in such cases.

The Chairman noted the *Engage* project would go live at the start of 2023 and asked that an update be provided to the next meeting of the Committee on 1 February 2022.

RESOLVED: That the Portfolio Holder be recommended to endorse the half-yearly report.

42 PRE DECISION SCRUTINY OF EXECUTIVE REPORTS

A LBB MAINTAINED NURSERY TRANSFORMATION OPTIONS REPORT Report CEF22078

The report outlined options explored for the future provision of the Local Authority's directly delivered nursery provision at Blenheim and Community Vision nurseries which were located in the Children and Family Centres at Blenheim and Penge respectively. Additional information comprising an initial response from the UNITE Union responding to the proposals for both nurseries and Ward Member views in respect of Community Vision nursery was tabled for Members' consideration and time was allowed for the documents to be reviewed by Members.

The Head of Schools, Early Years and Adult Education advised that she had recently met with staff at Blenheim nursery and that main concerns raised with regard to the proposed closure was how posts would be transferred to Community Vision nursery, including TUPE protection, and the possibility of redundancies. Staff had suggested Blenheim nursery be retained with reduced opening hours and had expressed concern that their views had not been listened to in previous consultations, including about recruitment delays which had primarily been due to the low standards of applications for certain posts. In response to a question from a Member, the Head of Schools, Early Years and Adult Education explained that an intensive piece of work had been undertaken to assess the impact of closing Blenheim nursery and it had been identified that there were sufficient nursery places in the local area at a comparable cost.

RESOLVED: That:

- 1) The Committee's views on the proposal that management seek to outsource the provision of early years education and childcare at Community Vision Nursery be noted. This proposal would be subject to soft market testing and a full staff and public consultation, the findings of which would be subject to further scrutiny by the Children, Education and Families PDS Committee prior to a Portfolio Holder decision being made whether or not to proceed to the open market; and,**

2) The Council's Executive be recommended to:

- **Agree to proceed to formal staff and public consultation on a proposal to close the Council nursery located in Blenheim Children and Family Centre. The proposal would include that the service is decommissioned from 31 March 2023 and that staff currently employed to work at Blenheim Nursery are permanently relocated to the Council nursery at Community Vision, Penge; and,**
- **Delegate authority to implement any proposed closure to the Director of Education in consultation with the Portfolio Holder for Children, Education and Families, having considered the outcome of the consultation period.**

**B CONTRACT AWARD: HOLIDAY AND SATURDAY GROUP BASED SHORT BREAKS PART 1 (PUBLIC) REPORT
Report CEF220675A**

The report sought approval to award a contract to provide Holiday and Saturday Group based short breaks to commence on 1 April 2023 for a period of three years plus the option to extend for two periods of up to two years, making a total possible contract period of seven years, ending on 31 March 2030.

In response to a question from a Member, the Integrated Strategic Commissioner advised that eligible children entered the service from 6 years and that their allocation of holiday and Saturday Group based short breaks provision increased as they grew older.

RESOLVED: That the Council's Executive be recommended to:

- 1) Approve the award of contract for the provision of the Holiday and Saturday Group Based Short Breaks Service as detailed in the accompanying Part 2 Report (Report CEF22067B). The proposed contract to commence on 1 April 2023 for the period of three years plus the option to extend for two periods of up to two years, making a total possible contract period of seven years, ending on 31 March 2030; and,**
- 2) Grant delegated authority to the Director of Children, Education and Families to apply the two two-year contract extensions in consultation with the Portfolio Holder for Children, Education and Families and subject to agreement of the Director for Corporate Services, the Director of Finance and the Assistant Director: Governance and Contracts as determined by Contract Procedure Rules.**

43 POLICY DEVELOPMENT AND OTHER ITEMS

A BROMLEY SAFEGUARDING CHILDREN PARTNERSHIP ANNUAL REPORT (2021-22) Report CEF22067

The report set out the activity of Bromley Safeguarding Children's Partnership (BSCP) for the 2021/22 financial year. It was a statutory requirement for safeguarding partnerships to publish an annual report under *Working Together 2018* and, in line with statutory guidance and best practice, the report would be submitted to the Chief Executive, the Leader of the Council, the local Police and Crime Commissioner, the Chair of the Health and Wellbeing Board, the Child Safeguarding Practice Review Panel and the *What Works Centre for Children's Social Care*.

In presenting the report, the Independent Chair of the Bromley Safeguarding Children's Partnership advised that the annual report focused on activity during the COVID pandemic. It was recognised that this did not necessarily meet the safeguarding needs of the post-COVID period, and the Strategic Safeguarding Threat Assessment process had been developed to offer a more timely mechanism to review emerging threats and support contemporary decision making. Other areas of current emphasis included an improved referral mechanism and work in response to Ofsted's Review of sexual abuse in schools and colleges.

RESOLVED: That the annual report be noted, including the Bromley Safeguarding Children Partnership's focus on coordinating the safeguarding work of agencies and ensuring this work is effective.

B LOCAL AUTHORITY DESIGNATED OFFICER ANNUAL REPORT 2021/22 Report CEF22069

The report provided an overview of the activity of the Local Authority Designated Officer (LADO) for the 2021/22 financial year in managing allegations against people who worked or volunteered with children and were therefore in a position of trust

The Head of Service Quality Improvement advised that of the 204 referrals made during the 2021/22 financial year, 72 allegations had been substantiated with 30 unsubstantiated, 69 unfounded, one false and 32 involvements remaining ongoing at the end of the year. There was no evidence to support any allegation being deemed malicious as this was defined as a purposeful act to deceive as opposed to a misunderstanding. In considering statistical data, the Chairman requested that in future, timescales to conclude referrals include percentage figures.

RESOLVED: That the report be noted.

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**C INDEPENDENT REVIEWING OFFICER ANNUAL REPORT
2021/22
Report CEF22068**

The report set out the activity of the Independent Reviewing Service for the 2021/22 financial year.

RESOLVED: That the progress and actions of the Independent Reviewing Officers in discharging their statutory duties and contributing to the aims of the Corporate Parenting Strategy for the 2021/22 financial year be noted.

**D PERFORMANCE REPORTING - CHILDREN'S SCRUTINY
DATASET PART 1 (PUBLIC) REPORT
Report CEF22072A**

The report presented a regular update on the performance of services for children across a suite of performance measures.

As at the end of September 2022, the majority of key performance indicators for children's services were rated as 'Green'. There were two 'Red' marked performance indicators which comprised Indicator 18: Number of In-House Foster Carers Recruited which continued to be a major area of focus, and Indicator 32: Percentage of Education, Health and Care Plans issued within the Statutory 20-Week Timescale (excluding exception cases) which was fuelled by increased demand for plans and for which work was ongoing with partners to improve the timeliness of professional advice. There were five 'Amber' marked performance indicators. These included Indicator 12: Percentage of Children that became subject to a Child Protection Plan for the Second or a Subsequent Time for which the Chairman requested a reference to 4% in the commentary be clarified, and Indicator 17: Percentage of Children Looked After Cases Reviewed within Required Timescale for which a plan was in place. Of the remaining 'Amber' rated performance indicators, Indicator 21: Number of Children Looked After who were Adopted was largely out of the Local Authority's control as a regional matter but remained an ambition of the Local Authority, and Indicators 25/26: Average Caseloads for which management action was being taken, including an ongoing focus on recruitment and retention, with a cohort of ten international social workers due to join the Local Authority in March 2023.

RESOLVED: That the September 2022 outturn of key performance indicators and associated management commentary be noted.

**E CHILDREN, EDUCATION AND FAMILIES RISK REGISTER -
UPDATE QUARTER 2
Report CEF22071**

The report set out the Children, Education and Families Risk Register update for Quarter 2 of the 2022/23 financial year.

RESOLVED: That the current Children, Education and Families Risk Register and the existing controls in place to mitigate the risks be noted.

44 CHILDREN, EDUCATION AND FAMILIES INFORMATION ITEMS

The items comprised:

- Children's Looked After Placement Sufficiency and Commissioning Strategy 2022-24
- Early Help Strategy for Children (aged from birth to 18) and their families. Our vision for 2030
- Annual Complaints Report and Local Government and Social Care Ombudsman Letter 2021/22
- Contract Register (Part 1) Public

RESOLVED: That Information Items be noted.

45 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006, AND THE FREEDOM OF INFORMATION ACT 2000

RESOLVED: That the press and public be excluded during consideration of the items of business listed below as it was likely in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present, there would be disclosure to them of exempt information.

**The following summaries
refer to matters involving exempt information**

46 EXEMPT MINUTES OF THE CHILDREN, EDUCATION & FAMILIES PDS COMMITTEE MEETING HELD ON 4 OCTOBER 2022

The Part 2 (Exempt) minutes of the meeting held on 4 October 2022 were agreed and signed as a correct record.

47 PRE DECISION SCRUTINY OF PART 2 (EXEMPT) EXECUTIVE REPORTS

A CONTRACT AWARD: HOLIDAY AND SATURDAY GROUP BASED SHORT BREAKS PART 2 (EXEMPT) REPORT

The Committee considered a report setting out Part 2 (Exempt) aspects of a report seeking approval for a contract award to provide Holiday and Saturday Group based short breaks.

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48 POLICY DEVELOPMENT AND OTHER ITEMS PART 2 (EXEMPT)

**A PERFORMANCE REPORTING - CHILDREN'S SCRUTINY
DATASET PART 2 (EXEMPT) REPORT**

The Committee considered a report setting out Part 2 (Exempt) aspects of performance reporting against the Children's Scrutiny Dataset.

B CONTRACT REGISTER PART 2 (EXEMPT)

The Committee considered a report setting out Part 2 (Exempt) aspects of the Contract Register for the Children, Education and Families Portfolio.

The Meeting ended at 9.50 pm

Chairman